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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,010	04/08/2004	Faustino Mucci	2541-1020	8557

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EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
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3635

MAIL DATE	DELIVERY MODE
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06/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,010

Applicant(s)

MUCCI, FAUSTINO

Examiner

Chi Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/11/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the applicant's patent application filed on 4/8/2004.

Claim Objections

Claims 1-6 are objected to because of the following informalities: Claim 1, line 5, and line 9; claim 2, line 4 and line 9, respectively, a citation "the tile or slab which is only a part of the tile or slab...covers the entire width of the body of the tile" does not have antecedent basis. Appropriate correction is required. Claims 3-6 depending upon the objected claims 1-2 are also object.

Claims 1-2, the applicant is advised to take out apprentices between "separated by the recess" and "separated by the plurality of recesses", respectively. Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 4-5, lines 8-16, citations "cutting at least one groove into the upper surface to a depth of the tile or slab which is only a part of the tile or slab...making at least one recess which, starting from the lower surface covers the entire width of the body of the tile in a position corresponding to the groove, but not the support element; the recess separating the body of the tile into at least two parts, totally

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separated; nearing the two parts of the tile by bending the thin and flexible temporary support element which keeps the at least two parts of tile (separated by the recess) united, so that the tile is fashioned into the non-flat predetermined conformation" are confusing. Claim 2, lines 3-5, lines 8-end, citations "cutting a plurality of the at least one groove into the upper surface to a depth of the tile or slab which is only a part of the tile or slab...making a plurality of the at least one recess which, starting from the lower surface cover the entire width of the body of the tile in a position corresponding to the plurality of the at least one groove, but not the support element; the plurality of the at least one recess separating the body of the tile into a plurality of parts, totally separated; nearing the plurality of parts of the tile by bending the thin and flexible temporary support element which keeps the plurality of parts of tile (separated by the plurality of recesses) united, so that the tile is fashioned into the non-flat predetermined conformation" are confusing.

Since the claimed language is not clear the following rejections are based on examiner's best understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,654,053 to Toedter.

Claim 1:

Toedter discloses a method of fabricating tiles or slabs comprising cutting (col. 3, lines 37 and 51) at least one groove 221-223 into the upper surface to a depth of the tile or slab which is only a part of the tile or slab, fixing a thin and flexible temporary support element 300 to the upper surface; making at least one recess 12 (Fig. 1) which, starting from the lower surface covers the entire width of the body of the tile in a position corresponding to the groove, but not the support element; the recess separating the body of the tile into at least two parts, totally separated; nearing the two parts of the tile by bending the thin and flexible temporary support element (Fig. 10) which keeps the at least two parts of tile (separated by the recess) united, so that the tile is fashioned into the non-flat predetermined conformation.

Claim 2:

Toedter discloses a method of fabricating tiles or slabs comprising cutting (col. 3, lines 37 and 51) a plurality of the at least one groove 221-223 into the upper surface to a depth of the tile or slab which is only a part of the tile or slab, fixing the thin and flexible temporary support element 300 to the upper surface, making a plurality of the at least one recess 12 (Fig. 1) which, starting from the lower surface cover the entire width of the body of the tile in a position corresponding to the plurality of the at least one groove, but not the support element; the plurality of the at least one recess separating the body of the tile into a plurality of parts, totally separated; nearing the plurality of

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parts of the tile by bending the thin and flexible temporary support element (Fig. 10) which keeps the plurality of parts of tile (separated by the plurality of recesses) united, so that the tile is fashioned into the non-flat predetermined conformation.

Claims 3-4 and 6:

Wherein the support element is removable and self-adhesive (col. 3, line 6).

Claim 5:

Wherein each single recess of the plurality of recesses is made with at least one V-shaped cutting tool, which cutting tool generates in the tile a cut which is delimited by two sides converging towards a corresponding groove present in the upper surface (see Figs. 11-12).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status


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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.


CQN
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BASIL KARCH
PRIMARY EXAMINER
AU 3635 6/21/07